PATENT

Application No. 09/668,213
Atty. Dkt. No. ESX/005

REMARKS

This amendment is submitted in response to the Office Action dated November 17, 2006. Reconsideration and allowance of the claims is requested. In the office action, claims 1-4, 7-11, 13-16 and 18-28 stand rejected under 35 U.S.C. 103(a) as unpatentable over Ginter (US Patent 5,892,900).

Rejections under 35 U.S.C. §103(a)

Claim 1 recites the limitations of pushing a transaction request for an electronic confirmation from an remote electronic transaction system running an xAgent to a portable electronic authorization device (PEAD) carried by a user, where the method includes steps of pushing a transaction request from the xAgent running at the remote electronic transaction system triggered by a pre-determined event, receiving at the portable electronic authorization device first digital data representing the transaction request, providing information to the user regarding an ability to approve or modify the transaction request performing approval and encryption of the transaction approval within the PEAD, and when the transaction request is approved by the user, receiving at the electronic transaction system second digital data representing the electronic confirmation of the transaction request. Importantly, the limitations of claim 1 make clear that a transaction agent is being used (the "xAgent") and that the transaction agent pushes transaction requests to the PEAD. Ginter neither teaches nor suggests these limitations.

The Examiner argues that Ginter discloses a similar method and cites as examples the contents of col. 1, line 40 through col. 2, line 55, and col. 254, lines 21-31. Applicant has carefully reviewed not only these examples cited by the Examiner, but also the contents of the entire reference, and believes that Ginter fails to mention all of the limitations of claim 1. For example, in col. 1, lines 40 through 50, Ginter discloses the invention background of Internet (referred to as "information highway") without teaching of transaction xAgent or "pushing" functionality. Next, in col. 1, line 51 through col. 2, line 7, Ginter introduces the concept of "electronic content" and its potential market size, again, without any teaching of transaction xAgent or "pushing" functionality.

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Further, in col. 2, lines 8 through 17, Ginter simply points out the "inefficiency" of current electronic content distribution system. Finally, in col. 2, lines 18 through 32, Ginter describes his invention of virtual distribution environment (VDE) for distributing electronic content over the Internet, but the description does not mention teaching of transaction xAgent or any similar agents and does not describe pushing transaction requests to portable devices. In col. 254, lines 21 through 31 Ginter further discloses a tamper resistant portable appliance with SPU and external bus which may serve as a "key" for the permission to access the electronic content distributed over VDE, but, again, fails to teach transaction xAgent or "pushing" functionality.

By contract, as recited in claim 1, a transaction request for an electronic confirmation is pushed from a remote electronic transaction system running the xAgent to a portable device carried by a user. As set forth in the present application, the remote electronic transaction system could be, for example, a stock trading server at a brokerage firm, which pushes a message to a user for a buy or sell decision over the network when the stock price goes above or below certain preset value. Page 27, lines 11 through 24 of the specification discloses that the user can set a stock limit to buy at $50, and when the stock hits $50 (pre-determined event), the stock xAgent sends a push message to user's PEAD device to ask the user whether to buy or wait, thus pushing a transaction request from xAgent. This fundamental distinction from Ginter is clearly recited in claim 1.

As the foregoing illustrates, Ginter fails to teach or suggest each and every limitation of claim 1 and therefore cannot anticipate this claim. For this reason, Applicant respectfully submits that claim 1 is in condition for allowance and requests that the 103(a) rejection be withdrawn. Claims 2-4 depend from allowable claim 1 and therefore are also in condition for allowance.
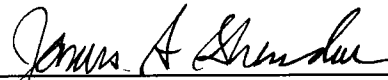
Furthermore, amended independent claims 7, 13, and 18 reflect limitations similar to those of claim 1. Therefore, Ginter cannot anticipate any of these claims either. Thus, claims 7, 13, and 18 are in condition for allowance for at least the same reasons as claim 1. Claims 8 through 11 depend from allowable claim 7, respectfully, and therefore are also in condition for allowance. Claims 14 through 16 depend from allowable claim 13, respectfully, and therefore are also in condition for allowance.

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Finally, claims 19 through 28 depend from allowable claim 18, respectfully, and therefore are also in condition for allowance.

CONCLUSION

Based on the above remarks, Applicants believe that they have overcome all of the objections and rejections set forth in the Office Action dated November 17, 2006 and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

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